



PLANNING COMMISSION MINUTES

Meeting of August 25, 2016

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, August 25, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Commissioners Present: David Butterfield, Amanda Davis, Dave Newman, Tony Nielson, Russ Price, Sara Sinclair

Commissioners Excused: Eduardo Ortiz

Staff Present: Mike DeSimone, Russ Holley, Amber Pollan, Kymber Housley, Paul Taylor, Mark Nielsen, Debbie Zilles

Minutes as written and recorded from the August 11, 2016 meeting were reviewed. Commissioner Price moved that the minutes be approved as submitted. Commissioner Sinclair seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 16-032 Berntson Estates – ***continued from July 28, 2016*** [Subdivision Permit] Nate Brockbank/Berntson LLC, authorized agent/owner, request a 108-lot subdivision on 29.57 acres located at 1200 East 1400 North in the Neighborhood Residential (NR-6) zone; TIN 05-011-0006.

STAFF: Mr. Holley provided an overview of the request and outlined the re-submittal for an 89-lot single-family residential subdivision and a 3-lot commercial subdivision. The majority of the property is located south of 1400 North and east of 1200 East - formerly used as a gravel pit. The majority of home sites range from 6,000-8,000 SF. The area north of 1400 North is being proposed as three (3) commercial building lots ranging from 40,007 to 55,277 SF.

The commercial sections do not require minimum lot sizes or frontages, only overall lot coverage, parking lots and landscaping percentages. When a commercial building is proposed in the future, as per the Design Review Permit process, site development standards will be reviewed for compliance. For a commercial subdivision permit to be approved, access and overall layout should be reviewed and considered.

Three street connections are shown, one (1) onto 1400 North and two (2) onto 1200 East. Internal streets are 60' cross sections with 66' wide access points. Internal blocks are created by the looping residential streets creating circulation options. The City standard cross section is 60' for residential streets. 1400 North and 1200 East are considered arterial streets and are 80' wide.

The NR-6 zone allows up to six (6) units per acre, minimum lot sizes of 6,000 SF and average minimum lot widths of 50'. The proposed 89-lot residential portion of the subdivision has a density of 3.4 units per acre. As conditioned with all lots at least 6,000 SF minimum, the subdivision proposal meets the density requirements in the Land Development Code (LDC).

LDC 17.14.020 requires substantial landscaping when there are building lots with back yards adjacent to exterior streets, so that streetscapes remain aesthetically pleasing and rear yards have privacy and noise levels associated with single-family living situations. LDC Figure 17.14.020 shows a 50' buffer area with berming and landscaping to accomplish this. Because the Code section is not a building setback, building height or open space requirement (LDC 17.50.080.C.5.) and more of an aesthetic issue, staff would consider this an area that where the Planning Commission could use its discretion of more than 10% for possible alterations. Staff considers 50' to be the standard and starting point for any alteration and anything less than 50' would be required to prove that it still adequately accomplishes the intent of the 50' base standard. The proponent is showing a 16' wide landscape buffer area with grass and trees.

The proposal includes a 6' wide path that appears to be a replacement for a sidewalk. The arterial roads along the perimeter will have a 13' right-of-way next to the curb that can be designed in conjunction with the 16' buffer area to create a 29' wide space between the curb and back yards of the adjacent homes. To accomplish the intent of a 50' wide buffer, staff would expect the 29' wide space to include a minimum 5' wide concrete sidewalk, street trees planted every 30' with additional landscaping of trees and shrubs every 20' (overall block average) and undulation berming of 0-3' in height. This landscaping buffer should tie into the retention pond landscaping located at the northwest corner of the site.

Mr. Holley reviewed the Master Transportation Plan regarding street designations, LDC 17.14.020.C.6 [Building Orientation] which outlines options for mitigating impacts and LDC 17.50.080 [Approval Criteria]. Staff is recommending conditional approval based on the conditions listed in the Staff Report with amendments including a 20' rear setback and sidewalk through the retention area.

PROPONENT: Paul Watson, the project engineer, pointed out that the number of proposed lots has been reduced from 108 to 89. There are some steep areas along the exterior; the grading plan is to go from a 2-1 slope down to a buildable pad. The back portion of some lots will not be buildable and will be noted on the final plat. 1/3 of the lots will be 6,000 SF, 1/3 at 7,000 SF and 1/3 will be 8,000 SF to offer a variety of homes. Interior roads will be 60' and the three access roads will have the required 66' right-of-way. The retention plan is compliant with the 100-year storm event requirement.

PUBLIC: Emails from Stanley Kane and Dr. Frank Schofield were received and distributed prior to the meeting. Numerous comments have been received mainly concerning density, landscaping and neighborhood compatibility.

Dr. David A. Medlyn, having professional expertise in biology and geology, questioned the purpose for the retention pond on the northwest corner of the development. He is concerned with building on unconsolidated sediments and asked about the depth of the clay layer. If a storm delivers 1" an hour or more of precipitation there is erosion that comes down 1400 North off the hill. He believes there are no basements proposed because of the water problem and is disconcerted that this hearing is being held without having all the geo-technical data. He questioned how deep the footer would have to be. A biological/environmental concern is where recreational facilities will be located. He opposes this project and does not believe an informed decision can be made with incomplete data.

Mark Nielsen, the Public Works Director, explained that all developments are required by the state to retain and detain storm water to the extent that post-development flows are no greater than those of pre-development. The current basin on the northwest corner of the site meets all the requirements. Commissioner Newman asked if a depressed grass area could be used as a retention basin. Mr. Nielsen said it could if it met all applicable requirements.

Commissioner Price asked about the retention outlet that enters lot 86 and how that discharge would be handled. Mr. Nielsen explained that the basin was built years ago, there are drainage pipes that go to the south; the current plan is for the City to participate in helping route storm water flow through the subdivision to avoid future erosion. Commissioner Price asked how much drainage would come

across the subdivision. Mr. Nielsen advised that the basin dramatically reduces the amount and the City will work with the developer. Commissioner Butterfield asked if this is unusual; Mr. Nielsen said this is a unique situation because there is existing discharge from a detention basin. Mr. Nielsen confirmed for Chairman Davis that this is not a unique situation in that there is a water issue, only from the perspective that there is an existing point source discharge from a detention basin.

Mr. Holley confirmed for Commissioner Butterfield that a geo-tech study has been completed and provided by the developer. Mr. Watson explained that they have planned to contain and discharge water according to state requirements. The geo-tech report was completed by CMT Engineering according to standard practices. Mr. Watson said they believe the site is feasible for this project. Commissioner Butterfield noted that there are mechanisms in place to ensure that any unsuitable material will be removed and suitable material brought in. Mr. DeSimone pointed out that the City Engineering Department will be required to review and approve development.

Morris N. Poole explained that 1400/1500 North is a "City problem" regarding water collection and control. 1400 North and 1200 East are arterial roads and will increase in traffic. The buffer has been treated very lightly; it should be 50' as stated in the LDC. The Commission has the discretion to vary the amount by 10%; the proposed 16' is a 68% difference, which is not safe. The density is skewed because there are lots around the perimeter that are 25,000 SF, about 10 lots are 20,000 SF or above. He is concerned that "we can bend one Code and not bend the other Code".

Rick Humphreys said there are a couple of areas that do not follow the Code. There are a row of lots along 1400 North and 1200 East are required to have a 20' rear setback and the plan indicates a 10' setback. Lots 5, 6, 30 & 31 (corner lots from a main collector) should have a 20' side setback and only show an 8' setback. These seem to be clear violations of the Code, along with what Dr. Poole said about the buffer zone. Neighbors are concerned about consistency, safety, congestion and the long-term results of this proposal. The property has so much potential and there are better ways to develop it and enhance the existing neighborhood. He encouraged the Commission to take a close look at the evidence that shows the project is not in compliance with the Code and deny the request.

Mr. Holley noted that setbacks are assessed and reviewed when a building permit is submitted. Setbacks are not desired on a preliminary plat because they may vary over the time of the development and will have to apply with the current requirements. Corner lots do require a 20' setback which will be applied when a permit is obtained. He explained that the setback is measured from the property line to the vertical wall plane of the structure.

Dr. Frank Schofield, Superintendent of the Logan City School District, advised that the Board of Education supports the City's efforts to establish stable, long-term housing options. The concern is that, based on the residential patterns over time, this development as currently proposed, will only contribute to the long-term neighborhood transiency that currently characterizes many neighborhoods where lot sizes are comparable to the ones being proposed. Transiency creates multiple challenges to the school district.

Craig McCallister reminded the Commission about the analysis he submitted at the previous meeting. There is an economic impact in addition to other concerns. A 56-unit development would be compatible with adjacent neighborhoods. There is a 46' drop from the top of the hill on the south side; slope should be carefully considered. There is a significant amount of area that is non-buildable.

Herm Olsen remarked that to the extent that any of these proposed homes constitute "starter homes", it would contribute to the out-migration that is a concern to the City. Homes that are built here should generate stability for the social fabric of the neighborhood. LDC 17.14.020 clearly indicates that the right-of-way is not considered as part of a buffer. The current proposal is simply inappropriate. The project is a poor fit for the area and he recommended denial.

Alvan Hengge said it is worthwhile to calculate what the density will be in the first phases, which show far different lot sizes than the last three. If some of the lots in the last phases cannot be built, the project might end up with higher density than what would be approved.

Jeannie Simmonds pointed out that the illustration of the setbacks (presented during the staff report) could be much different in reality as there may not be a continuity of appearance from the road without consideration for fencing material.

Andy Corbett indicated that the neighborhood to the east has 60 lots in the same amount of area as this proposal. Compatibility, which is used loosely, means that a project should fit and blend in with adjoining areas. The proposed 89 lots will be 30% denser than adjoining neighborhoods, which would not be compatible. Smaller lots this close to the University will eventually turn into rental units which are often not maintained and will affect the aesthetics of the area. The school district has requested long-term housing versus transient communities. He asked about the cost to the taxpayers to help with infrastructure. Mr. DeSimone pointed out that the City would help with the cost to manage water detention out of the neighborhood to the east where the detention ponds currently drain out onto private property. Mr. Nielsen advised that if it is not done this way, taxpayers will pay 3-4 times more to take care of the water flow.

Chairman Davis noted that the Commission does not discriminate between renters and homeowners. Any owner can rent a home if proper rules are followed.

David Burris said this area is an eyesore and there has to be a win-win for everyone involved. There can be a positive impact for the City to bring in more homes, there is an incentive for the developer and there can be benefits for the community. Many concerns are regarding small lot sizes which can often attract more low-income residents. Long-term housing to attract a diverse economic group would be beneficial from the school and community's perspective.

Jack Peterson noted the Hillcrest Neighborhood Plan (adopted in 2016) page 45 states *"The average single-family lot size in the neighborhood is .26 acres, which is slightly smaller than the City average of .3. The lot sizes tend to be consistent throughout the different neighborhood subdivisions."* A .26 lot is equivalent to 11,325 SF. The staff report that was provided states on page 1 *"Two lots proposed are shown below the minimum 6,000 SF lot size requirements in the Land Development Code."* Page 5 of the same report states *"Each lot conforms to the requirements of Title 17 of the Logan LDC in terms of lot size and development requirements."* The final plat shows that lots 10 and 58 are below 6,000 SF. LDC 17.50.080.C.5 regarding approval criteria states *"...consistent with surrounding land use patterns and community design ... encourage lasting value to the community ..."* The proposed 5' asphalt walkway is contrary to Code. At the July 28, 2016 Planning Commission meeting, one of the commissioners pointed out, during discussion of the 50' landscape buffer, *"...one alternative could be to put in secondary street"*, the developer nonetheless elected not to include this option in the most recent plan. The commissioner went on to say *"I do not see a particular reason why the minimum width would be different than what is shown on the graph"*. With a 50' buffer several of these lots will become less than 6,000 SF. The Commission's decision should not be unduly persuaded by staff or counsel for fear of a non-justifiable counter claim. This is a complex geographical piece of property and an approval should not be granted based on a survey overlay submitted by the developer that states in fine, lightly-shadowed print on the bottom of the plat *"preliminary not for construction"*. Sufficient, even extended, time and opportunity for corrections have been given to the developer. Substantial and authoritative evidentiary facts have been provided supporting and enabling a denial. Mr. Holley explained that the findings listed in the report are based on the conditions of the permit for 6,000 SF minimum lots. The latest submittal shows that all lots meet that minimum requirement.

Richard Hopkins pointed out that 1400 North and 1200 East are heavily used roads, especially with USU classes and games. 1500 North is quite dangerous in the winter and he has seen many slide-offs due to icy conditions. He encouraged widening the roads with the proposal for more homes and students in the area. The buffers should be at the maximum requirement along these arterial streets.

Chairman Davis noted that the Engineering Department is requiring a Traffic Impact Study to be completed.

Craig Petersen urged the Commission to apply the Codes required for this project. In discussing the 50' landscape buffer, the report (pg 2) states *"Because the Code section is not building setback, building height or open space requirement (LDC 17.50.080.C5) and more of an aesthetic issue, staff would consider this an area that the Planning Commission could use its discretion of more than 10% for possible alternatives"*. In describing issues where the Planning Commission is limited to a 10% change, the report leaves out "landscaping", which is included in LDC 17.50.080.C5 and is clearly the issue here. Moreover, in that section of the Code there are two categories identified where changes can be made. The first is items that are not quantifiable so that a percent cannot be specified. The landscape buffer is quantifiable (50') so the 10% restriction applies. Even if LDC 17.50.080.C.5 is wrongly interpreted to be in the category that is not restricted to 10%, the report notes (page 2) that *"Staff considered the 50' to be the standard and starting point, for any alteration and anything less than 50' would be required to prove that it still adequately accomplished the intent of the base standard of 50'"*. Since the proponent has only proposed a 16' buffer, they have the burden of proof to show how 16' adequately accomplishes the intent of 50'. 16' is only 32% of the 50' requirement. Similarly, to approve a 16' buffer, the Commission would have to state clear findings of fact to support a reduction from 50' to 16'. One requirement for findings of fact would be that *"any deviations reflect the City's desire to encourage and permit development that has lasting value to the community"*. Another is that the change is not made *"due to financial consideration on behalf of the project proponent"* (LDC 17.50.080.C.5). He asked that the Code be rigorously applied.

COMMISSION: Commissioner Nielsen recused himself from the matter due to a conflict of interest.

Mr. Holley clarified for Commissioner Butterfield that the average density of this project is 3.4 units/acre, which is below the 6 units/acre maximum requirement. He also pointed out that there are subdivisions nearby which average 4.1 units/acre.

Commissioner Butterfield asked for clarification regarding the condition requiring that the entire landscape buffer be installed with written maintenance responsibilities and agreements at the completion of phase 3 and prior to phase 4. Mr. Holley explained that the developer is required to improve the required section(s) of road(s) (including curb, gutter, sidewalk and landscaping) before moving to the next phase of development.

Commissioner Butterfield asked about *"each lot suitable for development"* as noted in the staff report, in regards to slope/grade and water retention issues. Mr. Holley advised that there may be portions of lots that are non-buildable; however, there is a buildable envelope area within each proposed lot. Commissioner Butterfield pointed out that lots 35, 36 and 75 look like they are too steep for building. Mr. Holley said the applicant is proposing re-grading plans for some areas, which will be reviewed by the City Engineering Department and may require retention walls.

Commissioner Price asked about the condition *"The final plat shall be recorded within one (1) year of this action with subsequent phases each one year following or comply with LDC 17.58 Expirations and Extensions of Time"*. Mr. Holley explained that the applicant is given the option to apply for a one-year extension (per phase) if there are circumstances beyond their control, other than financial, which have delayed the project. Mr. Holley confirmed for Commissioner Price that this project could take up to 8 years for complete development (if extensions are applied for and granted). The landscape buffer for each phase will be required to be completed before beginning the next phase. The reason for this is that improvements are required to be proportionate to the development (i.e. entire road improvements would not be required upfront).

Commissioner Butterfield asked how the statement *"compatible with surrounding land uses"* is defined. Mr. Holley explained that this refers to land use; this area is being proposed for single-family homes with an overall layout, design and pattern compatible for this area.

Mr. Holley confirmed for Chairman Davis that the landscape buffer area is a separate property and not included in the size of lots.

Commissioner Price asked about the topography (as shown) and whether it would be acceptable if the project is conditionally approved. Mr. Holley said the Engineering Department may not be ready to sign off on the grading plan at this preliminary phase; however, the applicant has been meeting with the City Engineer. Mr. DeSimone, the Community Development Director, explained that approvals will be given prior to the final plat recordation. This issue will not increase the number of lots, if anything; it may require a deduction (to be determined on a lot-by-lot case).

Commissioner Newman asked about maintenance of the landscape buffer. Mr. Holley said this is private property so it would be required of the adjacent homeowner or could be delegated to a Homeowners Association.

Chairman Davis asked about the Commission's purview (LDC 17.14.020) regarding consideration for the buffer. Mr. Housley, the City Attorney, advised that this is what the decision ultimately comes down to. The Commission has to determine how to interpret the Code with respect to the buffer. If it is determined to be a landscaping buffer, the Commission has a 10% allowance for deviation. If the buffer relates to building orientation than the Commission has the ability to make appropriate findings for a variance based on LDC 17.50.090A.14 *"Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provision of this Title"*. In this case the issue is visual impact, it is not a tool to reduce density, but minimize impact along arterial roads. He could not tell the Commission which way to interpret the Code; however, he advised that the courts generally determine ambiguity in favor of the proponent. There is no question that past decisions have been based on building orientation rather than landscaping (which is why zones have varied from 10-20' in recent decisions).

Commissioner Price advised that this area is very complicated; it is an eyesore and does need to be developed in some way. He had hoped that a meeting between the developer and residents would result in a compromise/agreement, however, that did not happen. He would like to see a buffer that meets the need for safety as well as aesthetics. He is in agreement with Mr. McCallister regarding concern about the slopes and grades in the area; it is difficult in terms of high-scale residential development. At one time the Commission was considering looking at possible commercial/mixed use along the roadway which would have provided a sensible solution. This project is trying to "put a square peg in a round hole". He believes it can be possible to get to a point where enough of a buffer can be achieved to work around the difficulties, however, does not believe we are to that point yet.

Commissioner Sinclair cannot vote in favor of the project at this point based on the buffer and slope issues. The 50' buffer is quite important. The proposal, even with additional landscaping, is not enough along such a heavily traveled street. She also expressed concern about perimeter lots with very steep slopes. The project is currently too ambiguous.

Commissioner Butterfield pointed out that the Commission has developed a precedent of interpreting the buffer as building orientation. He questioned whether it would be prudent to capriciously decide projects differently. The Commission is a quasi-judicial body and the Code should be applied fairly and consistently in all cases.

Commissioner Newman referenced a Land Use Training Handbook *"Subdivisions, as opposed to in-fill development, can have a major impact on a community. They can eat up open space, put a drain on infrastructure and thus on city coffers, and can alter an entire community. It is vital, therefore, that planners take great care in writing and enforcing a subdivision ordinance that will serve the community. Most subdivisions are built in a cookie-cutter style with every lot the same as every other lot. They are usually the same size, nearly the same shape and offer little diversity as to where and how the house is placed in relationship to the street. In addition, the houses turn out looking very*

much alike with large garages that dominate the front of house. Developers look to the bottom-dollar and view diversity of style and layout as costly. They are often in the process for the short term. The citizens are there for the long term. Open space is considered to be a loss to the developer and so unless it can serve as a revenue enhancement, they are not likely to see it as valuable. The subdivision of the last 20 years has been care dependent because we have separated residential living from the necessities of living. They are often far from the center of town, from shopping centers, professional services, and even from schools and libraries. Because of the car-centeredness of these areas, streets are wide, sidewalks are often not required and garages have replaced front porches. Cities and towns, fearing the loss of the rural look and feel of their communities have insisted on larger lot sizes in hope of preserving the sense of open space. Ironically, in doing so, more open space is consumed as it becomes cut off from the community by private ownership and fences. Zoning does not solve the problems. When all we look at is lot size and frontages, we actually encourage these problems.” In the Logan General Plan 5.2.1 “While the population of Logan has grown steadily, the City’s consumption of land has grown at a greater rate. In other words, per capita land consumption is rising. From 1952-1993, while the population of Logan increased by almost 100%, land consumption increased by over 200%.” Smaller lots are necessary, which puts pressure on staff to be conservative. We are lucky to have land valuable enough to have many residents come out to represent the community and a developer who listens to the concerns and has made changes to the original proposal. LDC 17.47.050 lists required findings that the Commission follows when considering projects, one of them is that a “the subdivision lots maintain or enhance neighborhood character”. This is questionable because one of the biggest challenges in the Hillcrest area is rentals (see Hillcrest Neighborhood Plan page 79). The General Plan 2.7 states in part “Cities which have protected their neighborhoods from deterioration have disallowed encroachment of offending uses over a long period of time. Logan, like some other college towns, has allowed some neighborhoods to evolve into a mixture of residential densities and uses. Erosion of the single-family residential base has followed. Restoring these neighborhoods is complicated and costly, but must be done to ensure vitality of neighborhoods.” The Logan Development Plan, the General Plan and the Hillcrest Plan support the idea that we can overcome this challenge and do this in a beneficial way. Mr. Peterson brought up that the average lot size in Hillcrest is .26; the City average is .30, which is 13,000 SF. Mr. Newman read section 89.1.3 of the General Plan (see page 8-2) and pointed out that very little of this area follows the grid pattern because much of the area was designed and built post-1960. The Land Development Code is set up to help defend decisions. Square footage is quantifiable and defensible, but aesthetics is more ambiguous. This project highlights the problem that zoning does not solve the problem. In the end, there may not be a zone that fits perfectly. The Commission needs to substantiate decisions and he pointed out LDC 17.45.050 B. “The Commission may deny a proposed subdivision when it is not able to find facts in the record to substantiate the required findings in this section.” C. “The Commission may modify a preliminary plat map, including the elimination and resizing of lots, if it find that the modifications or conditions imposed result in better design, layout, site development, or to satisfy development policies”. Subdivisions have to maintain and enhance the area and lots of these sizes, in this area, are predisposed to turning into rentals. The General Plan indicates that “Existing neighborhoods should remain stable by ensuring that owners have housing options within their neighborhood that can meet their changing needs. Many neighborhoods have a mix of owner-occupied and rental housing. They contain a diverse balance of ages, incomes, backgrounds and lifestyles. Most neighborhoods are stable and people coexist relatively well. An increase in rentals cause more homeowners to leave and will destabilize the existing population. Neighborhood deterioration will result. Many homeowners remain in these neighborhoods because they like where they live and they want to stay. Citizens should have the ability to choose to remain in their neighborhood throughout all phases of life. New growth on infill land must ensure quality development that prove to be an improvement in design and construction and increase the portion of owner-occupied dwellings”. The opening statement of the General Plan states “Our vision for Logan is an idyllic place to live where families can raise children in beautiful neighborhood surroundings with opportunities for association, friendship, and learning. Where people want to stay and contribute to the betterment of all people who live here. Where every neighborhood is beautiful, well-kept, and provides for the intermingling of family, avoiding deterioration in any area. A place where a person or family, once established in a neighborhood, can be happy, remaining through all phases of life”. This

is an opportunity to subdivide and plan a project that provides an opportunity to build and live in a home for a person's entire life, which is the character and fiber of Logan. He cannot approve this project due to the issues, but believes the developer has an opportunity to come up with a way to make it work for everyone.

Mr. Housley explained that the General Plan is the guiding document that helps set ordinances. The Commission recommends ordinances and the Municipal Council approves them. The issue of compatibility was made when the area was zoned NR-6. There is some discretion regarding non-buildable lots and buffer zone issues, but the Commission cannot deny a project just because they would like to see bigger lots. The 1979 case *Legrand Reeder v Logan City* was lost because the proponent was denied a project that met the requirements. Applicants that meet the zoning ordinances are entitled to an approval. The only ambiguity in this application would be related to the buffer zone. It is up to the Commission to condition the project in a way that makes them comfortable with their decision; however, a denial without substantial reason(s) is difficult to defend.

Commissioner Price pointed out that the setback is a quantifiable issue but asked whether the buildability of lots would also be quantifiable. Mr. Housley said this is a conditional approval and the developer will have to prove that the lots are buildable prior to a building permit. Commissioner Price said he is concerned that if there are lots that are determined to be unbuildable, there will be open areas (especially around the perimeter) that may not be maintained. Mr. Housley said it can be conditioned that any open areas must be maintained.

Commissioner Price said his concern with a 50' setback is that by extending the buffer zone, the slope concerns are exacerbated. He does not see this as a perfect solution and would like to feel more confident that the perimeter lots are buildable.

Commissioner Butterfield agrees that it is not desirable to have lots that may be non-buildable and possibly not maintained. He is uncomfortable with suddenly interpreting the setback to be considered as landscape rather than building orientation. He would like to see the development meet the needs of both the developer and the community.

Commissioner Price said from his perspective, the 50' setback could be helpful; however, it is not the only solution. The problem is grading and the use of the property for a subdivision. The context is the difference in how the buffer is viewed. There have been buffers approved from 10-30' because they worked within the framework of the project. The Hillcrest neighbors do not feel that a 16' buffer is enough. He suggested conditioning the project on maintaining the 50' setback, within the 10% range, unless there are other means to ameliorate grading problems. He is amenable to a realistic and functional setback. Lots with 8,000 SF or more seem to be higher than what has been reported, he doesn't believe density will change but does not want to force smaller lots for a larger buffer.

Commissioner Newman noted that 22 lots are 6,000-7,000 SF; 22 lots are 7,000-8,000 SF, 23 lots are 8,000-9,000 SF, 4 lots over 9,000 SF and 18 large peripheral lots in areas where grading may be an issue. The General Plan 15.1 states that the "*City will heighten concern for appearance, aesthetics and maintainability and will upgrade the Design Guidelines to Design Requirements*".

Chairman Davis reviewed issues of concern including the buffer zone and slope. LDC 17.50.080C.5 "*...guidelines such as building placement, building orientation, form materials ... may be approved by the Planning Commission with findings that demonstrate the proposed design changes are consistent with surrounding land use patterns and community design, will not compromise future projects or design, and any deviations reflect the City's desire to encourage and permit development that has lasting value to the community*". Landscaping is not addressed in this section; only building orientation.

Mr. Housley pointed out that if the Commission determines the buffer be classified under building orientation rather than landscaping, there must still be findings listed if there is a deviation from 50'.

Commissioner Newman asked about the difference between the required findings listed in LDC 17.47.050 and the criteria for approving a Design Review permit as outlined in LDC 17.50. Mr. Housley said design review encompasses Subdivisions Permits. Commissioner Newman asked which would be more applicable. Mr. Housley explained that they are both applicable. LDC 17.50.080 allows for the ability for variances to help encourage better design. Compatibility was defined when it was zoned and cannot be based only on lot size.

MOTION: Commissioner Newman moved to **continue** PC 16-032 to the September 22, 2016 meeting. Commissioner Price seconded the motion.

Mr. DeSimone advised that the Commission needs to explicitly provide guidance to the proponent as to the reasons for the continuance and what is expected.

Commissioner Butterfield questioned what benefit a continuance would provide. Commissioner Newman advised that he would like to review the geo-tech study; Commissioner Butterfield said that is a mute issue to the concerns that have been addressed. Chairman Davis believed that the project could be conditioned tonight and there are not enough code-based problems for a continuance. It should not be based on the fact that it is not a likeable project.

Mr. DeSimone pointed out that one of the issues is the stability of the perimeter lots. The Commission can ask the developer to provide data that specifically address the building sites and that each lot is suitable for building. The Commission can also ask for specific reasons why the developer is requesting a reduction of the buffer and what will be done to match the intent of the 50' buffer. Mr. Housley said it would be appropriate to ask for information on the slope and how those areas will be handled. Chairman Davis cited LDC 17.040.030.3 *"Each lot is physically suitable for development, has an adequate building site, and will not require variances due to physical constraints in order to be developed"*.

Moved: Commissioner Newman Seconded: Commissioner Price **Passed:** 3-2
Yea: D. Newman, R. Price, S. Sinclair Nay: D. Butterfield, A. Davis Abstain:

WORKSHOP ITEMS for September 22, 2016 – There will no meeting held September 8, 2016.

- ✓ PC 13-038 Joyride Bikes Mural
- ✓ PC 13-039 LDC Amendment – CR

Commissioner Nielsen requested future training for the Planning Commission.

Meeting adjourned at 8:15 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of August 25, 2016.

Michael A. DeSimone
Community Development Director

Amanda Davis
Planning Commission Chairman

Russ Holley
Senior Planner

Amber Pollan
Senior Planner

Debbie Zilles
Administrative Assistant